

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Antonio CHAVEZ-Perez,

Defendant

Magistrate Docket No.

'07 MJ 26496 42

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326

Attempted Entry After


Deportation

DEPUTY

The undersigned complainant, being duly sworn, states:

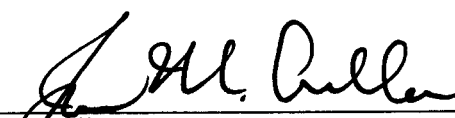
On or about **November 16, 2007** within the Southern District of California, defendant, **Antonio CHAVEZ-Perez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose, i.e. conscious desire, to enter the United States at or near the Tecate, California Port of Entry, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th of November, 2007



Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Antonio CHAVEZ-Perez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

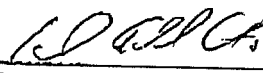
On November 16, 2007, Border Patrol Agent Efren Macias was patrolling an area near Tecate, California known as Five Lights a static position. This area is approximately half a mile west of the Tecate, California Port of Entry and one tenth of a mile north of the United States/Mexico International Boundary. This area is commonly used by illegal aliens making their way north into the United States.

At approximately 5:00 AM, Agent Macias observed a group of individuals jump the International Border fence near panel 83 and make their way north. The West High Point infrared scope operator followed the individuals and guided Agent Macias to State Route 188 where two adults and a child were walking north along the road. Agent approached and identified himself as United States Border Patrol Agent and conducted an immigration field interview on the subjects as to their citizenship and immigration status. All subjects, including one later identified as the defendant CHAVEZ-Perez, Antonio admitted to being citizens and nationals of Mexico present in the United States without proper immigration documents that would allow them to enter and remain in the United States legally. All subjects, including the defendant, were arrested and transported to the United States Border Patrol Brown Field Station for further processing.

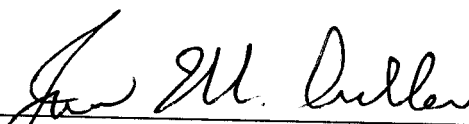
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on November 14, 2005 through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights and stated that he understood them and was willing to answer questions without the presence of an attorney. The defendant admitted to being a citizen and national of Mexico without any immigration documents allowing him to enter or remain in the United States legally. He further admitted that he has been previously removed from the United States and has never applied for permission to re-enter the United States since his removal.

Executed on November 17, 2007 at 9:30 a.m.


Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on November 16, 2007, in violation of Title 8, United States Code, Section 1326.


Jan M. Adler
United States Magistrate Judge

11/17/07 @ 10:53 a.m.
Date/Time